

ORDINANCE NO. 2431

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, APPROVING THE DEVELOPMENT PLAN FOR THE RIGGS ROAD AND ADORA BLVD PLANNED AREA DEVELOPMENT AND AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF GILBERT BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY CONSISTING OF APPROXIMATELY 58.8 ACRES, LOCATED AT RIGGS ROAD AND ADORA BLVD., IN ZONING CASE Z13-03 FROM TOWN OF GILBERT SINGLE FAMILY-35 (SF-35) ZONING DISTRICT TO TOWN OF GILBERT SINGLE FAMILY-10 (SF-10) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR NON-SEVERABILITY; AND PROVIDING FOR PENALTIES

WHEREAS, by adoption of this Ordinance, the Town Council desires to modify base zoning district regulations to implement policies in the General Plan; and

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Gilbert General Plan, AS AMENDED, any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

1. The Riggs Road at Adora Blvd. Planned Area Development Plan, defined in Paragraph 3 herein and attached hereto as Exhibit 3, is hereby approved.
2. The Official Zoning Map of the Town of Gilbert, Arizona, is hereby amended by changing the zoning classification of property consisting of approximately 58.8 acres described in Exhibit 1 and shown on the Zoning Exhibit (map) in Exhibit 2 (the "Property"), both attached hereto and incorporated herein by this reference, from Town of Gilbert Single Family-35 (SF-35) zoning district to Town of Gilbert Single Family-10 (SF-10) zoning district with a Planned Area Development Overlay Zoning District, in accordance with the Development Plan, as defined in Paragraph 3 herein.
3. The following definitions shall apply:

- a. "Project" shall mean the "Riggs Road at Adora Blvd. PAD" containing approximately 58.8 acres, located east of the northeast corner of Val Vista Drive and Riggs Road at Adora Boulevard.
- b. "Development Plan" shall mean that certain document submitted pursuant to Section 3.104 of the Land Development Code, as follows:

Exhibit 3: Development Plan Exhibit of Riggs Road at Adora Boulevard Planned Area Development, dated April 23, 2013.

4. The Property described in Paragraph 2 of this Section shall be used and developed in accordance with the Development Plan and the Land Development Code of the Town of Gilbert. In addition to conformance with the Development Plan, development of the Property shall be subject to the following conditions:

- a. Developer shall reimburse Gilbert for its reasonable costs of design and construction of off-site improvements to Riggs Road adjacent to the Property prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property.
- b. Private streets shall be dedicated as tracts and shall be constructed to meet the same Town standards as required for public streets, or as determined by the Town Engineer. Private streets shall be a minimum of 33 feet in width.
- c. Prior to the effective date of this ordinance, Developer shall enter into a Development Reimbursement and Lien Agreement agreeing that Developer will reimburse Gilbert for the costs of design and construction of off-site improvements required by this ordinance. Failure by Developer to execute a Development Reimbursement and Lien Agreement prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification.
- d. Prior to final plat approval, Developer shall pay for its proportional share of sewer mains benefitting the Property, as required by the Town Engineer.
- e. At the written request of Gilbert, Developer shall dedicate all necessary easements for subdivision entrances, drainage, retention, trails and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.

- f. Prior to preliminary plat approval, Developer shall reach an agreement with San Tan Irrigation district (STID) on the potential relocation or abandonment of the existing irrigation easements that traverse the property. Preliminary plat shall show any remaining STID easements in relation to streets, tracts and lots.
- g. Prior to preliminary plat approval, Developer shall provide an all weather, minimum 20 ft. wide secondary emergency vehicle access along the east side of the property connecting affected "loop" streets, or Developer shall provide fire sprinklers to all homes having frontage on the northerly two (2) loop streets and the north-south roadway providing access to the said loop streets, or Developer shall provide an alternative all weather, minimum 20 ft. wide secondary emergency vehicle access to the affected "loop" streets connecting to an off-site vehicle way, subject to written confirmation of acceptance provided by the Gilbert Fire Plans Reviewer.
- h. The Project shall be developed in conformance with Gilbert's zoning requirements for the zoning district and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:
 - 1. Minimum Lot Area shall be 13,000 sq. ft. Minor adjustments may be permitted for engineering and drainage.
 - 2. For those lots located north of the central park open space and on the east and north exterior boundaries of the Project where adjacent to existing residential lots, as shown on the Development Plan, Exhibit 3, the following shall apply:
 - (i). Minimum lot size shall be 20,000 sq. ft.
 - (ii). All homes shall be single story.
 - (iii). Except as to the lots located only on the north boundary and not on the east boundary, side yard setbacks shall be a minimum of 20 feet..
 - 3. Street lighting shall be limited to the beginning and end of every street and in the open space areas. Light poles shall not exceed 15 feet in height with additional lighting provided along the north and east trial in the form of low level "bollard" style lights, subject to approval by Gilbert.

4. Landscape screening along the east and north perimeter shall consist of a combination of 15 gallon, 24" and 36" boxed non- or low shedding trees.
5. Developer shall provide a minimal grad difference to the north property to allow a natural fall for site drainage and sewer, as approved by the Gilbert Town Engineer.
 - i. Developer shall create a Homeowner's Association (HOA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas and landscaping within the rights-of-way. Maintenance responsibilities for common areas an open space areas shall be specified on the approved site plan or final plat.
 - j. Developer shall record easements to be owned by the HOA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Non-Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and shall have no force or effect.

Section IV. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 5.1205 and 5.1206 of the Gilbert Land Development Code. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Zoning Code or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.

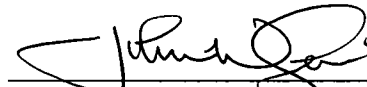
PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 6th day of June, 2013, by the following vote:

AYES: COOK, COOPER, DANIELS, LEWIS, PETERSEN, RAY, TAYLOR

NAYES: NONE ABSENT: NONE

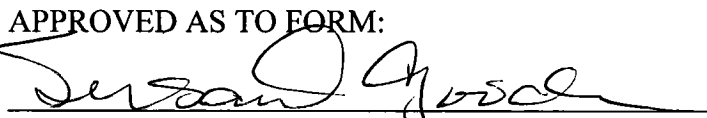
EXCUSED: NONE ABSTAINED: NONE

APPROVED this 6th day of June, 2013.


John W. Lewis, Mayor

ATTEST:

Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall, & Schwab, P.L.C.
Town Attorneys
By SUSAN D. GOODWIN

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2431 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 6th DAY OF June, 2013, WAS POSTED IN FOUR PLACES ON THE 13th DAY OF June, 2013.


Catherine A. Templeton, Town Clerk

The following exhibits are attached hereto and incorporated herein:

1. Legal Description
2. Zoning Exhibit (map)
3. Development Plan

LEGAL DESCRIPTION

THAT PORTION OF A PARCEL OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, SAID PORTION BEING A PART OF THAT CERTAIN PARCEL AS DESCRIBED IN DOCUMENT 1988-085571, MARICOPA COUNTY RECORDER, MARICOPA COUNTY, ARIZONA, SAID PORTION IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 27, FROM WHICH SAID POINT BEARS SOUTH 89 DEGREES 33 MINUTES 17 SECONDS EAST, A DISTANCE OF 2693.25 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 27;

THENCE ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, NORTH 89 DEGREES 33 MINUTES 17 SECONDS WEST, TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 1346.62 FEET TO THE POINT OF BEGINNING;

THENCE LEAVING SAID SOUTH LINE AND ALONG THE EAST LINE OF SAID WEST HALF, NORTH 00 DEGREES 03 MINUTES 05 SECONDS EAST, TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 2640.86 FEET, SAID POINT BEARS NORTH 89 DEGREES 46 MINUTES 27 SECONDS WEST, A DISTANCE OF 1345.36 FEET FROM THE CENTER OF SAID SECTION 27;

THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, NORTH 89 DEGREES 48 MINUTES 27 SECONDS WEST, A DISTANCE OF 862.94 FEET;

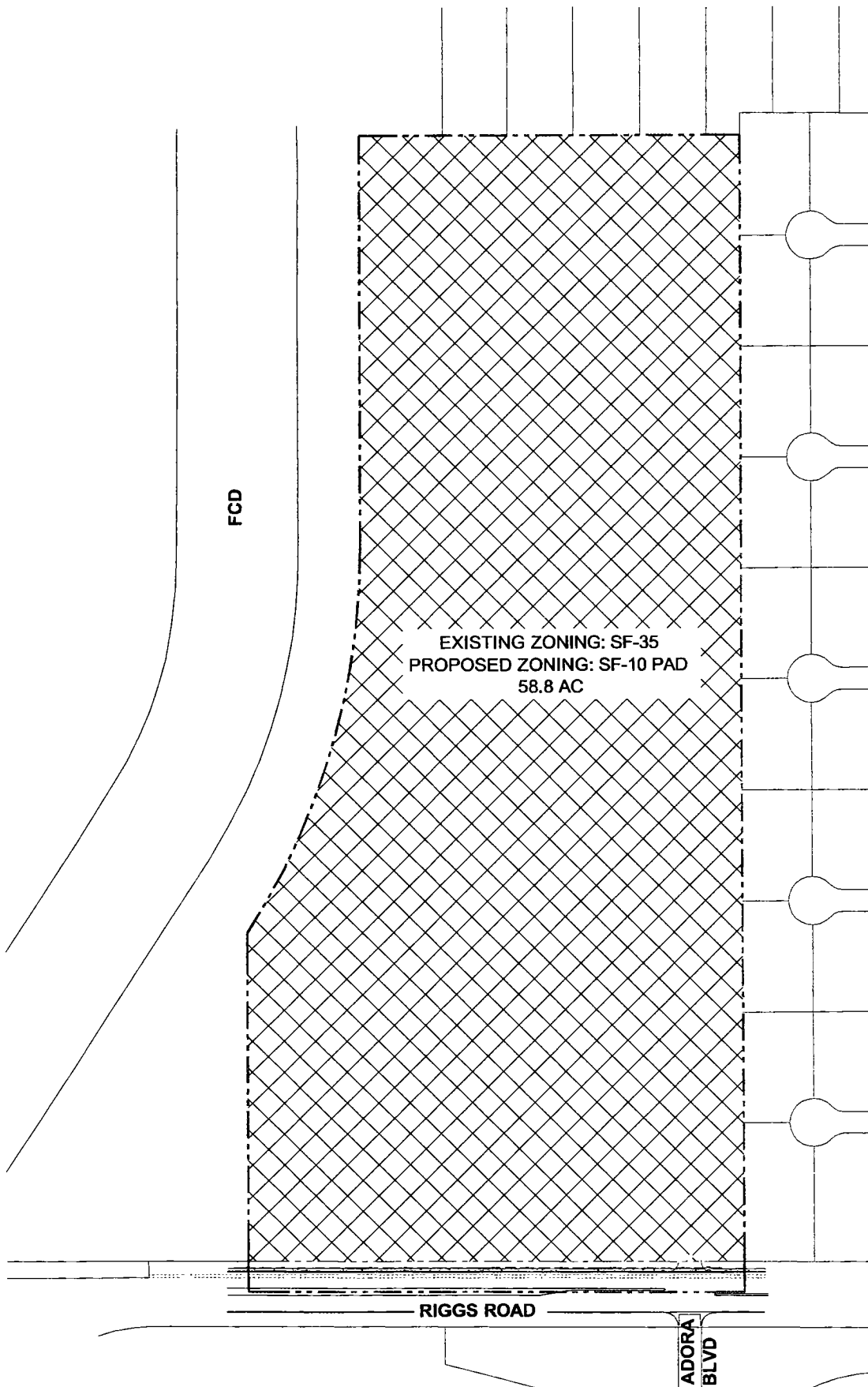
THENCE LEAVING THE NORTH LINE OF SAID SOUTHWEST QUARTER, SOUTH 00 DEGREES 07 MINUTES 20 SECONDS WEST, A DISTANCE OF 942.32 FEET;

THENCE 923.11 FEET ALONG A TANGENT CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 32 DEGREES 35 MINUTES 23 SECONDS, WITH A RADIUS OF 1622.92 FEET;

THENCE SOUTH 00 DEGREES 04 MINUTES 43 SECONDS WEST, TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 819.57 FEET;

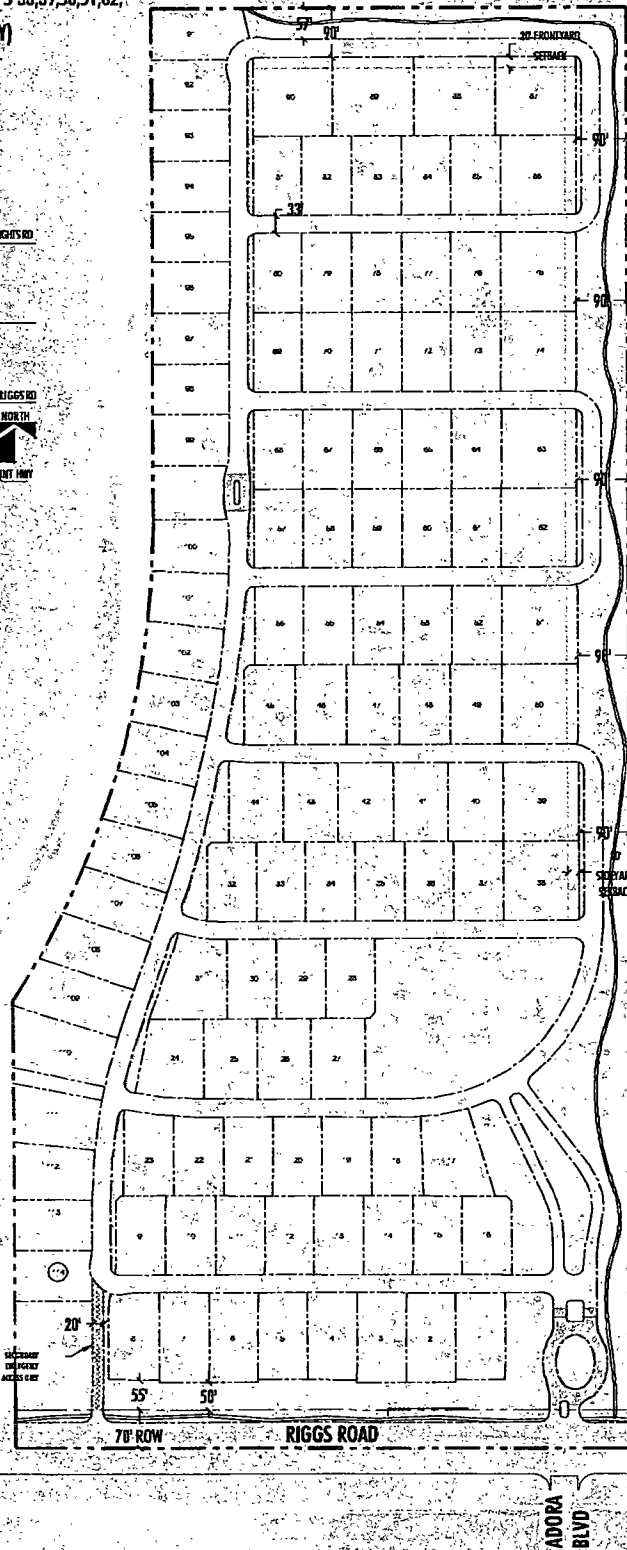
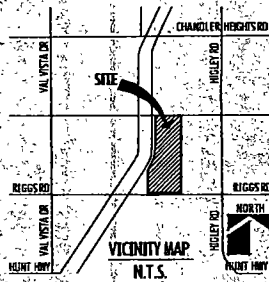
THENCE ALONG SAID SOUTH LINE, SOUTH 89 DEGREES 33 MINUTES 17 SECONDS EAST, TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 1120.88 FEET TO THE POINT OF BEGINNING;

EXCEPT THE SOUTH 70 FEET THEREOF.



SITE DATA

GROSS ACRES: 58.80 AC
 APPROXIMATELY 20,000 SQ FT: LOTS 38,39,50,51,62,
 63,74,75,86-90 (SINGLE STORY ONLY)
 REMAINING LOTS: > 13,000 SQ FT
 TOTAL LOTS: 114 LOTS
 DENSITY: 1.94 DU/AC



FINDINGS OF FACT
Z13-03 –Riggs Road and Adora Blvd.

1. The proposed zoning amendment conforms to the General Plan as amended, any applicable Specific Area Plan, neighborhood, or other plan and any overlay zoning district.
2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
4. The proposed rezoning supports the Town's strategic initiative for Community Livability. It supports the motto "Gilbert: Clean, Safe, Vibrant."

When recorded mail to:

Town of Gilbert

Town Clerk

50 East Civic Center Drive

Gilbert AZ 85296

This area reserved for County Recorder

CAPTION HEADING
Ordinance 2431

DO NOT REMOVE

Exhibits 3 was adopted with and is incorporated into Ordinance 2431 and is available for viewing in the Office of the Town Clerk, Town of Gilbert, 50 East Civic Center Drive Gilbert AZ 85296.

Exhibit 3

Development Plan